Case 3:16-cv-02292-G-BK Document 38 Filed 03/15/18 Page 1 of 4 PageID 286 U.S. DISTRICT C IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT FOR THE NORTHERN DISTRICT OF TEXAS **DALLAS DIVISION** MAYRA AVILA AND JESUS NERI-GUIJARRO, INDIVIDUALLY AND AS NEXT § CLERK. U.S. DISTRICT COURT FRIEND OF HANNAH NERI, A MINOR. § Deputy Plaintiffs, v. CIVIL ACTION NO. 3:16-cv-02292-G MNM TRANSPORT SERVICES, LLC Defendant.

## **AGREED FINAL JUDGMENT**

On this day came on to be heard the above-entitled and numbered cause. The Plaintiffs Mayra Avila and Jesus Neri-Guijarro, individually and as next friend of Hannah Neri, minor, and Defendant MNM Transport Services, LLC and announced to the Court that they had resolved and compromised all matters and things in dispute between them. As such, Plaintiffs and Defendant announced their desire for Plaintiffs' individual claims against Defendant to be dismissed with prejudice on the terms and conditions set forth herein. Being advised of these premises, the Court is of the opinion that the settlement is in the best interest of the Minor Plaintiff and that the cause should be so dismissed against Defendants with prejudice.

This Court finds that Plaintiff Hannah Neri, minor, by and through her parents and next friends Mayra Avila and Jesus Neri-Guijarro, is represented by the Law Offices of Domingo Garcia, PC in this matter. The Court previously appointed a Guardian Ad Litem, J. Neal Prevost, to investigate the proposed settlement as it relates to the best interests of the Minor Plaintiff.

After, the Guardian Ad Litem had made an investigation of the incident in question, the present physical condition of the Minor Plaintiff, and the facts of this case as to liability and damages, came Plaintiffs, the Guardian Ad Litem and Defendant, by and through their Attorneys, and all of such parties expressly waived a jury, and it was thereupon announced in

open court that, subject to the approval of the Court, all matters and controversies between Plaintiffs and Defendant have been settled and compromised, and the Court, after having read the pleadings and hearing evidence in regard to the damages complained of by the Minor Plaintiff, is of the opinion that said Agreement and this Final Judgment is under all of the circumstances fair and reasonable and in the best interests of Minor Plaintiff, and that such Agreement should be ratified and approved by this Court;

Accordingly, therefore, it is:

ORDERED that all claims that were or could have been asserted herein by and between Plaintiffs Mayra Avila and Jesus Neri-Guijarro, individually and as next friend of Hannah Neri, minor, and Defendant MNM Transport Services, LLC be and hereby are dismissed with prejudice to the refiling of same; and

It is further ORDERED that settlement providing for a present payment of \$1,625.00 on behalf of Hannah Neri, minor, be paid through a check made payable to Registry of the Court, United States District Court, to be held in an interest bearing account until Minor Plaintiff reaches the age of 18.

It is further ORDERED that J. Neal Prevost, a practicing Attorney before this Court, previously appointed Guardian Ad Litem for the Minor Plaintiff by Order of this Court, is hereby awarded a reasonable fee for his services which shall be \$1625.00. The Court finds that J. Neal Prevost has fulfilled his duties as Guardian Ad Litem in this case, and he is hereby discharged from any further duties or obligations.

It is further ORDERED by the Court that that costs be taxed and collected from the party incurring same. The Guardian Ad Litem fees above shall be taxed as Court costs against the Defendants.

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AS BETWEEN PLAINTIFFS AND DEFENDANT MNM TRANSPORT SERVICES,
LLC, ALL RELIEF NOT EXPRESSLY GRANTED HEREIN IS EXPRESSLY DENIED.
THIS IS A FINAL JUDGMENT

Signed this \_\_\_\_\_\_\_, 2018.

## APPROVED AND AGREED AS TO FORM AND SUBSTANCE:

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